

## Protecting Prime Farm Land



DAVE KURTZ

DeKalb County zoning administrator Clint Knauer inspects a zoning map of the Butler area, where

most of the land is coded in green, indicating a new conservation agriculture designation.

# New zoning rules start Jan. 1

## DeKalb County replaces 1964 ordinance

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AUBURN — On New Year's Day, DeKalb County will leap into the future by not just one year, but 45 years.

The county's new planning law takes effect Jan. 1, replacing a law written in 1964.

County officials spent five years crafting the new rules with the help of citizens.

"This was a public process. I can't count the number of public meetings. That's the foundation of this document," said Clint Knauer, the county's zoning administrator.

Even so, Knauer expects to spend 2009 explaining the new law to the public.

Landowners no longer can expect to stop at the planning office, obtain a permit quickly and start construction the next day, he said.

Until now, nearly all rural land in the county carried a catch-all designation of C-RS — county rural-suburban — with very few restrictions on use of property.

The 300-page new law sets up 24 zoning designations, compared to only eight in the original law.

More than one-third of the county now lies in the new "A1" conservation agriculture designation, including the majority of the northeast quadrant around Butler.

Conservation agriculture will be "a very restrictive zoning district," Knauer said. "The intent is to keep our best contiguous farming districts intact."

"One of the resource concerns was loss of agricultural land to development," said Allen Haynes, a natural resources coordinator for the DeKalb County Soil and Water Conservation District. Haynes served on an advisory board for

**DEKALB COUNTY** zoning administrator Clint Knauer will describe the county's new planning and zoning law in a series of articles in *The Evening Star*, starting in January.

the new zoning law.

"The big farmers were the ones who wanted this conservation agriculture district," even though it may limit their ability to sell farm land for housing lots, Knauer said.

In the new conservation agriculture district, a housing lot must be 160 feet wide. Until now, the requirement was only 50 feet of road frontage. No more than four small plots can be broken off from an original tract of conservation agriculture land.

"It's hard to cut off chunks of land and just sell them piece by piece like you used to," Knauer said.

The new law offers four separate designations for agricul-

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can't supervise yourself."

from state universities.

Bauer said.

## **ZONING:** *County has first rules for building ponds*

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ture, all with different standards. In "A2" or general agriculture, Knauer describes the regulations as "reasonable" instead of "strict" in A1.

A designation of A3 governs areas for high-intensity farming use.

"You might not want to put too many subdivisions next to A3," Knauer said.

An A4 zone is set aside for agricultural businesses.

On a scale of 1 to 10 in friendliness to conservation practices, DeKalb County's new law probably rates at 5, Knauer and Haynes said.

Although the new law may seem more restrictive, "It really gives people more options," Knauer said.

"We can bargain with you now," Knauer added. The law allows the county Plan Commission to approve small lots in a subdivision, if

a developer agrees to preserve woodland and wetland areas.

"Now, we have some rules for building ponds," Knauer said. In the old law, "the word 'pond' isn't even in our ordinance," he said. "If they cut a tile, if they discharged onto their neighbor's property, these were things we couldn't do anything about."

After Jan. 1, a builder cannot cut or move drainage tiles to build a pond. A pond must be set back 40 feet from all property lines. It cannot drop off to more than 2 feet deep in the first 10 feet from the edge.

"We're the pond capital of the state, I think," said Haynes, whose office handles permits to build ponds. "In DeKalb County, you can dig a hole anyplace and it will hold water, just about. I know of no other

county that has as many pond permits."

Haynes said planning officials know that not everyone will be happy with the new rules.

"If you happen to be at the edge, where the growth and the rural (areas) are coming together, that's going to be difficult," Haynes predicted.

Knauer and Haynes are working on plans for a public meeting this spring to explain the new law and answer questions.

County officials won't wait another 45 years to adjust the zoning law. Knauer said the new law will be "a living, breathing document," with a complete overhaul scheduled every five years.

"We know darn well we could have as many as 10 to 12 changes for the first couple of years," he said.